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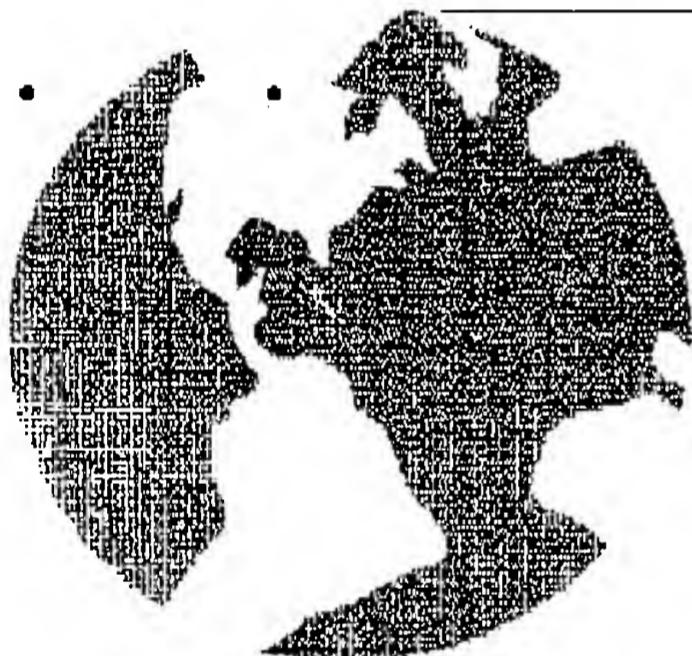
10/042, 678

571-272-1139

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**To:** PTO EXR. C. COOLEY **Fax:** 571-273-1139**From:** A.R. Eglinton **Date:** 22 June 2004**Re:EXD.** 10/042,678 **Pages:** Seven**cc:** Client

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 Urgent  For Review  Please Comment  Please Reply  Please Recycle

IN FOLLOW-UP TO THE REPLY BRIEF MAILING OF 19 APRIL 2004, THE ATTY OF RECORD A.R.EGLINTON PHONE CONTACTED PRO EXR COOLEY @ 571-273-1139 TO CONFIRM THAT THE PACKET RESPONDING TO THE NOT. OF NON COMPLIANT AMEND., RECEIVED HERE ON 4/16/04 HAD INFACt REACHED THE DESK OF THE EXR.

HE REPLIED IN THAT TELECHAT OF 6/22/04 THAT IT HAD NOT & SUGGESTED THAT A DUPLICATE PACKET BE FAXED TO HIM AT THE # ABOVE, AND SUCH IS ENCLASSED. IT COMPRISSES THE REPLY BRIEF OF 19 APRIL, THE UPDATED CLAIM SET, A COPY OF THE OIPE LETTER AND POSTAL CARD RETURNABLE RECEIPT. THAT POSTAL CARD RECEIPT HAS NOT BEEN YET RECEIVED. NOTE FURTHER THAT THE REPLY BRIEF HAS A SIGNED CERT. OF MAILING APPENDED TO PAGE TWO THEREOF. THE FATE AT THE PTO OIPE IS PRESENTLY UNKNOWN, BUT EXR CH. COOLEY & IS BEING BROUGHT UP TO DATE PER THIS FARSUBMISSION.

A. R. Eglinton 570-385-5021  
Reg # 19,868

10/042, 678

A/P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

*Corrected  
CC*

Applicants:	SCHAEFFER, HAROLD L., et al 10/042, 678	Group Art Unit:	1723
Serial No.:	10/042, 687	Docket No.:	Techpro #1-2-2
Filed:	January 11, 2003	Conf. #:	7412:
Mark:	UPSTREAM PNEUMATIC VISCO SEAL ASSEMBLY	Examiner:	Cooley, Charles E. (703) 308-0661 X (571) 272- 1139

## REPLY TO NOTICE OF NONCOMPLIANT AMENDMENT (37 C.F.R. §1.21)

Commissioner for Patents  
ATTN: Legal Instruments Examiner (unreadable) Phone: (571) 272-1059  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Official  
FAX Received  
22 Jun 2004*

*Sirs:*

*No fees  
due - copy  
of lost  
original  
mailed 4/19/04  
C. Cooley*

This response to the above Notice, mailed 04/14/04, in this Office-mislaid substantive response first filed on November 19, 2003, the timely deposit of which was acknowledged by postal card return receipt recently faxed to the PTO with a reply.

**Preamble**

The irregular handling of the Applicant's timely response of November 19, 2003 needs some explanation so as to understand the present 04/14/04 Notice calling for an amended claim 8, added annotation and further incidental amendment.

9/11/03: Applicant filed a reply package including the substantive reply brief, an amended set of claims; a rider to specification marked text; a rider to specification clean text; and transmittal form for corrected drawing of three sheets.

Early April 2004: Upon non-receipt of an Examiner action to the above submission, the Attorney-of-Record contacted the assigned PTO Examiner. He learned that the submission had never reached the application filed earlier despite the deposit in OIPA which was apparently not

passed on in Art Unit 1723. As then advised by Examiner Cooley, the entire package of almost 40 pages was faxed to PTO #703-872-9306 on or about 04/07/04. PTO receipt thereof was acknowledged by two "auto-reply facsimile transmissions" to the attorney's fax number (570) 385-5021.

04/10/04: The duplication by fax of the of-record brief of last November generated the current PTO Notice of a technically noncompliant amendment, which calls for rectification in that "Claim 8 has incorrect status identified. Should be one or the other not both. (original or withdrawn)."

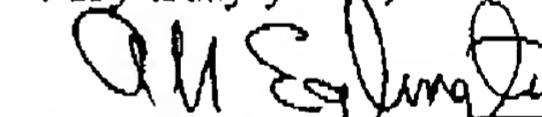
04/2004: Applicants responds to the latest PTO Notice with an amended "Rider CL" to Examined USN/04 of 01/1102, which new rider reflects that original Claim 8 is withdrawn, also independent Claim 1 is also correctly characterized as to status. The complete corrected Rider CL is submitted for the convenience of the Examiner.

With the mislaid response now brought up to date, the forwarding to Art Unit 1723 for reconsideration is respectively solicited.

Date: April 19, 2004  
cc: Client

Enclosures: Copy of PTO Notice of 04/14/04  
Applicant's updated Rider CL ( 3 pages)  
Fax re: transmittal sheet for the Office misplaced  
documents of last November 19, 2003

Very truly yours,

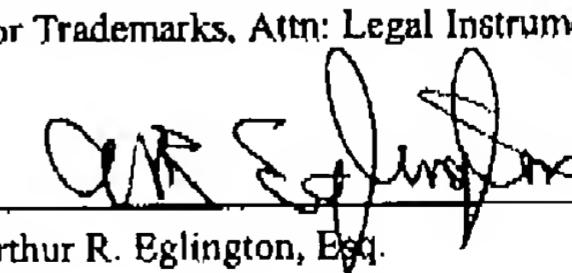


Arthur R. Eglington  
113 Cross Creek Drive  
Chestnut Hill, R.D. 5  
Pottsville, PA 17901  
(570) 385-5021  
Reg. No.: 19,868

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as First Class Certified Mail in an envelope addressed to: Assistant Commissioner For Trademarks, Attn: Legal Instruments Examiner, P.O. Box 1450, Arlington, VA 22313-1450, on April 19, 2004.

Date: Apr 19, 2004

  
Arthur R. Eglington, Esq.